

**REMARKS:**

In response to the advisory action mailed September 23, 2005, Applicant wishes to enter the following remarks for the Examiner's consideration. Applicant has amended claims 1 and 14. Claims 1-23 are pending in the application. This amendment is thought to overcome the Notice of Non-Compliant Amendment received in this application.

**Claim Rejections 35 USC 102(b)**

**Claims 1-13** remain rejected under 35 USC 102 (b) as being anticipated by Buckler, US Patent No. 5,050,088. **Claims 14-23** remain rejected under 35 USC 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Buckler.

In the September 23, 2005 advisory action, it was stated by Examiner Kang that certain distinctions between the invention and the cited art were not in the claims. Applicant has amended claims 1 and 14 to include definitions of fixturing system and device that are found in the specification, as noted in previous responses. It is believed that the language of fixturing device and fixturing system is known and understood in the art; however, in the interest of moving forward prosecution of this application, the amendments have been made. It is therefore believed that the amendments serve to clarify claim language originally filed, and should not be considered to narrow and abridge the scope of the claims in any event.

Those discussions with regard to the differences between the cited art and the pending claims made in previous response() are renewed and repeated here for the convenience of the examiner.

**Claim 1**

Examiner has stated a correspondence between the elements of claim 1 and what is taught by Buckler, but Examiner has not shown where Buckler teaches "A method

for facilitating modification of a hardware state of a fixture system". Applicant respectfully submits that a production control system, such as described by Buckler, cannot rationally be equated to the fixture system or device of the claims.

The Examiner has not shown where Buckler teaches a fixturing device which is in Applicant's claim 1, and so certainly cannot not teach modification of a hardware state of a fixture system. Buckler teaches a production control system and an associated method for interfacing automated material handling systems to manufacturing work cells (abstract), but there is no mention of a fixturing device or a fixturing system. And, significantly, the Examiner has not noted with particularity where such teaching of a fixturing device or fixturing system occurs in the Buckler reference.

The Applicant notes that a fixturing system and fixturing device are clearly described in the Background section of Applicant's specification. From Applicant's Background Section (page 2, lines 13-21):

"A fixturing device is a mechanical device that is capable of holding a product stationary and supports motions that allow for connection to the product. A fixture system comprises a fixturing device, and the associated hardware and software that are used to interact with the product under test. A fixture system is often used in an automated or semi-automated environment. The product that resides within a fixturing device can require customization for integration between the fixturing device and the product. Some examples of products that may be placed within a fixturing device of a fixture system are cellular phones, printed circuit boards, portable receivers, etc."

From the above description of a fixturing device, Applicant asserts that Buckler does not teach, suggest, disclose or anticipate the use of a fixturing device or fixturing system. Buckler instead is non-analogous art that is directed to a production control system, and the associated control software and command scripts.

The Examiner has referred to Col.2 lines 15-22 of Buckler for the teaching of a fixturing device, but this column of Buckler contains no teaching, suggestion,

disclosure of a fixturing device. A careful reading of Buckler fails to locate any support in Buckler for a fixturing device of a fixturing system. Rather Buckler is directed to a manufacturing system in a production control environment, which is not the same as a fixturing system operable to perform test and measurement of a device.

In light of the above arguments, Applicant respectfully notes that there are significant differences between the recitations of Applicant's claim 1 and what is taught by Buckler. Applicant respectfully requests reconsideration and allowance of claim 1 and its dependent claims at the Examiners earliest convenience.

Referring to claim 2-13, Applicant notes that claims 2-13 depend from claim 1 which has been shown to be patentable. Reconsideration and allowance of claims 2-13 is therefore respectfully requested at the Examiner's earliest convenience. Although additional arguments could be made for the patentability of each of these claims, such arguments are believed unnecessary in view of the above discussion of claim 1. The undersigned wishes to make it clear that not making such arguments at this time should not be construed as a concession or admission to any statement in the Office Action.

With regard to **Claims 14-23**, Applicant asserts that the basis for this rejection is removed in light of the above arguments concerning the 102 (b) rejection of claim 1 in view of Buckler. The use of the Buckler reference is inappropriate since Buckler does not teach, suggest, disclose or anticipate a fixturing device or fixturing system as recited in Applicant's claim 1 or claim 14. Applicant respectfully declines to make amendments to claims 15-23 at this time. However, in the event that the rejection of claim 14 is maintained, Applicant herewith reserves the right to amend these claims. Reconsideration and allowance of claims 14-23 is respectfully requested at the Examiner's earliest convenience. Although additional arguments could be made for the patentability of each of the claims, such arguments are believed unnecessary in view of the above discussion. The undersigned wishes to make it clear that not making such arguments at this time should not be construed as a concession or admission to any statement in the Office Action.

In light of the above, reconsideration and allowance of the claims 1-23 are therefore earnestly solicited at the examiner's earliest convenience.

No amendment made herein was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim unless an argument has been made herein that such amendment has been made to distinguish over a particular reference or combination of references.

Please contact the undersigned if there are any questions regarding this response or application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Renee' Michelle Leveque', is written over a horizontal line.

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Dated: October 14, 2005